

Application No. 09/720,710
Amendment dated December 22, 2006
After Final Office Action of June 26, 2006

Docket No.: M0925.70067US00

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REMARKS**DEC 22 2006**

This is a supplemental amendment to correct a typographical error in the amendment filed on December 21, 2006. Claim 17 was incorrectly labeled as "Previously presented," rather than "Currently amended."

Applicants' representatives thank the Examiner for the courtesy of a telephone interview conducted on September 21, 2006. The instant response addresses substantive points discussed during the interview. Applicants also thank the Examiner for his comments regarding his request that Applicants submit a Declaration under 37 C.F.R. §1.132 to traverse the rejection of the present Office Action. The present response is believed to constitute a complete written statement of the reasons presented in the interview as warranting favorable action, as required by 37 C.F.R. §1.133.

Applicant respectfully requests reconsideration. Claims 1, 17, 23, and 24 were previously pending in this application. Claims 1, 17, 23, and 24 are pending for examination with claim 1 being an independent claim. No new matter has been added.

Rejection of Claims 1, 17, 23, and 24 under 35 U.S.C. §102(b), or in the alternative, under 35 U.S.C. §103(a)

Claims 1, 17, 23, and 24 have been rejected under 35 U.S.C. §102(b) as being anticipated by, or, alternatively, under 35 U.S.C. §103(a) as being obvious over, Lee et. al., *Macromolecules* 1989, 22, 2602-2606 ("Lee"). Applicants respectfully traverse the rejection.

Claim 1 recites a system comprising a polymeric article including a three-dimensionally periodic structure of a plurality of periodically occurring separate domains, with at least a first and a second domain each being topologically continuous, and with said first domain comprising a polymeric species containing an inorganic species capable of forming a ceramic oxide, as recited in claim 1. A topologically continuous (or bicontinuous) structure is continuous in the sense that a particular domain in a periodic, polymeric structure forms a continuous pathway through the structure (page 13, line 32 – page 14, line 2 of the specification).

In contrast, Lee teaches porous membranes from block copolymers having lamellar, cylindrical, and spherical domains, which are discrete structures. In discrete structures, domains are physically isolated from, and not in physical contact with, other like domains in the structure (page

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14, lines 8-10 of the specification). The topologically continuous structure in the present invention as defined by claim 1 is distinct in view of discrete structures, in that a self-supporting, three-dimensional, periodic, porous membrane can be produced.

Further support for Applicants' statements above are found in the accompanying Declaration under 37 C.F.R. §1.132 of Edwin L. Thomas.

To the extent the instant rejection relies on 35 U.S.C. §103, Applicants see no suggestion or motivation in Lee, or elsewhere in the prior art, to modify the teachings of Lee to obtain a system that includes the afore-mentioned claim limitations. Because each claim limitation is not taught or suggested by Lee and there is no motivation to modify the teachings of Lee to obtain the recited system, independent claim 1 is patentable over Lee.

Claims 17, 23 and 24 depend from claim 1 and are, therefore, also patentable over the Lee for at least this reason.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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